

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

October 1, 2014
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Franco, Schrader, and Genewick.

Absent Alderman Fogle

INVOCATION

MAYOR'S UPDATE

RECESS

Recess for public input.

100114.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of September 17, 2014 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments. Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

9/22/14 Richelle J. Pasceri, City Clerk – The following bid proposal for the Main Street Pipe Bursting Project were received and opened on September 19, 2014:

Kandey Company, Inc.	\$69,971.00
West Seneca, NY	

Sergi Construction, Inc.	\$99,150.45
East Aurora, NY	

Referred to the Committee of the Whole

9/23/14 Michael Hoffman, Sunrise Optimist Club – Request permission to use Kibler Park for a Columbus Day Cross Country event on Monday, October 13, 2014.
Referred to the Committee of the Whole

9/30/14 Richelle J. Pasceri, City Clerk – Notification that the Lockport Municipal Offices will be closed on Monday, October 13, 2014 in observance of Columbus Day. There will be no change in the garbage pickup schedule.
Referred to the Media

Notice of Defect:

9/18/14 17 Utica Street – tree
9/24/14 57 Davison Court – pothole
9/25/14 198 Ontario Street – tree
Referred to the Director of Engineering.

Notice of Claim:

9/24/14 Sharon M. Cooper, 8405 Ridge Road, Gasport, NY
Referred to the Corporation Counsel.

MOTIONS & RESOLUTIONS

100114.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on October 3, 2014 as follows:

General Fund	Account #001	\$ 157,678.64
Water Fund	Account #002	\$ 26,353.80
Sewer Fund	Account #003	\$ 41,121.27
Refuse Fund	Account #012	\$ 2,923.40
Payroll	Pay Date 9/18/2014	\$ 516,349.14

Seconded by Alderman Franco and adopted. Ayes 5.

100114.3 WITHDRAWN (Authorize Approve Bills – CD escrow account)

100114.4

By Alderman Genewick:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Michael D. Gardepe	15	WWTP Mechanic

Seconded by Alderman Schrader and adopted. Ayes 5.

100114.5

By Alderman Schrader:

Whereas, an accident occurred on Davison Road and there was an extensive damage to equipment, and

Whereas, repairs were required and an insurance claim was filed, and

Whereas, the City Clerk's office filed an insurance claim and received \$ 10,783.21 for this incident, and

Whereas, repairs were performed and require a budget amendment to fund the repair bill, now therefore be it

Resolved, to amend the budget as follows:

Increase:

003.0003.2690	Other Compensation for Loss	\$10,783.21
003.8110.4127	Equipment Lease & Rental	\$10,783.21

Seconded by Alderman Kibler and adopted. Ayes 5.

100114.6

By Alderman Franco:

Resolved, that pursuant to their request, The Sunrise Optimist Club is hereby granted permission to conduct a cross country event at Kibler Park on October 13, 2014, from 9:00 a.m. until 12:00 p.m. subject to The Sunrise Optimist Club filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Kibler and adopted. Ayes 5.

100114.7

By Alderman Schrader:

Resolved, that the bid proposal of Kandey Company, Inc., 19 Ransier Drive, West Seneca, NY 14224 received on September 19, 2014, for the Main Street Pipe Bursting Project be accepted in the amount of \$ 69,971.00. Cost of same to be charged to account #002.8340.4725.0204.

Seconded by Alderman Lombardi and adopted. Ayes 5.

100114.8

By Alderman Kibler:

Resolved, that pursuant to their request, the Lockport Locks Heritage District Corporation and Lockport Main Street is hereby granted permission to conduct a Loctoberfest event on Saturday, October 4, 2014 from 9 am until 5 pm, and be it further

Resolved, that permission is granted to barricade the Municipal Building parking lot, and also the portion of Ontario Street between Pine and Church Streets for said event, and be it further,

Resolved, that the Common Council hereby designates the aforesaid event as a temporary event as defined by Section 53-1 of the City Code (alcoholic beverages) which shall terminate/lapse upon completion of said event, and be it further

Resolved, that the Assistant Director of Engineering is hereby authorized and directed to arrange for delivery of the barricades to the area prior to the event.

Seconded by Alderman Lombardi and adopted. Ayes 5.

100114.8A

By Alderman Schrader:

Resolved, that pursuant to Corporation Counsel approval, the Director of Utilities is hereby authorized to enter into a cooperative purchasing group with the Niagara Falls Water Board for the purchase of chemicals.

Seconded by Alderman Franco and adopted. Ayes 5.

100114.8B

By Alderman Franco:

Resolved, that pursuant to their request, permission is hereby granted to The Chapel at Lockport to barricade a portion of Municipal Parking Lot #10 for a Chili Championship on Sunday, October 5, 2014, and be it further

Resolved, that the Assistant Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Lombardi and adopted. Ayes 5.

100114.8C

By Alderman Kibler:

Resolved, that the proposal of U-Who Crew LLC, 226 Washington Street, Wilson, NY for the Outwater Park shelter house roof repair accepted in the amount of \$33,368.32. Cost of same to be charged to the DEA Seizure Fund.

Seconded by Alderman Genewick and adopted. Ayes 5.

100114.8D

By Alderman Schrader:

Resolved, that the Mayor, subject to Corporation Counsel approval, be and the same is hereby authorized and directed to enter into a contract with the Conestoga-Rovers Associates, 285 Delaware Avenue, Suite 500, Buffalo, NY 14202 to provide construction support services for the Main Street Water Main Project at a cost not to exceed \$4,800.00 to be charged to account #001-1440-0434.

Seconded by Alderman Genewick and adopted. Ayes 5.

100114.8E

By Alderman Genewick:

Resolved, that the City Treasurer be and the same is hereby authorized and directed to transfer funds from the under expended appropriations accounts to under appropriated accounts in the 2014 General, Water, Sewer and Refuse Fund budgets until year end to avoid over expended accounts, and be it further

Resolved, that \$2,300.00 from account #001-8510-4381-0000 John Henry Park be transferred to the John Henry Trust Account.

Seconded by Alderman Kibler and adopted. Ayes 5.

100114.8F

By Alderman Franco:

Resolved, that Friday, October 31, 2014 is hereby designated as Halloween Day in the City of Lockport with the hours for trick or treating scheduled from 4:00 p.m. to 7:00 p.m.

Seconded by Alderman Genewick and adopted. Ayes 5.

100114.8G

The following resolution was offered by Councilmember Genewick, who moved its adoption, seconded by Councilmember Franco, to-wit:

BOND RESOLUTION DATED OCTOBER 1, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$5,350,000 SERIAL BONDS OF CITY OF LOCKPORT, NIAGARA COUNTY, NEW YORK, FOR THE SPECIFIC OBJECT OR PURPOSE OF LIQUIDATING ACTUAL DEFICITS IN ITS GENERAL FUND, WATER FUND, REFUSE FUND, AND SEWER FUND ACCUMULATED AS OF THE CLOSE OF THE FISCAL YEAR OF SAID CITY ENDING DECEMBER 31, 2013.

By Alderman Kibler:

Resolved, that the reading of the remainder of this resolution be and the same is hereby waived.

Seconded by Alderman Schrader and adopted. Ayes 5

WHEREAS, special New York State legislation (hereinafter the "Legislation") has become law as Chapter 332 of the Laws of 2014 authorizing the City of Lockport, in the County of Niagara, New York, to issue serial bonds on or before December 31, 2014 in an aggregate principal amount not to exceed \$5,350,000 for the specific object or purpose of liquidating actual deficits (hereinafter in the aggregate, the "Deficit") in its General Fund, Water Fund, Refuse Fund, and Sewer Fund accumulated as of the close of its fiscal year ending December 31, 2013; and

WHEREAS, the Legislation declares such specific object or purpose to be a public purpose which the City is authorized to accomplish and to finance; and

WHEREAS, the Legislation authorizes the period of probable usefulness for said specific object or purpose to be ten years; and

WHEREAS, the Legislation authorizes the issuance of bond anticipation notes in anticipation of the sale and issuance of such serial bonds; and

WHEREAS, the Legislation provides that such serial bonds and bond anticipation notes shall be authorized, sold, executed and issued and shall mature in the manner prescribed by the Local Finance Law; and

WHEREAS, it is now desired to authorize the issuance of such serial bonds and bond anticipation notes pursuant to the provisions of the Local Finance Law by the adoption of this bond resolution; NOW, THEREFORE, BE IT

RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Common Council of the City of Lockport, Niagara County, New York, as follows:

Section 1. For the purpose of liquidating the deficits referred to in the preambles hereof, including incidental expenses in connection therewith, there are hereby authorized to be issued, pursuant to the provisions of the Local Finance Law, not to exceed \$5,350,000 serial bonds of the City of Lockport, Niagara County, New York.

Section 2. The maximum estimated cost of the aforesaid specific object or purpose is \$5,350,000, and the plan for the financing thereof shall consist of the issuance of the \$5,350,000 serial bonds of said City herein authorized.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years, pursuant to the Legislation.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the City Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said City Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates,

within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the City Treasurer, the chief fiscal officer of such City. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the City Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 6. The faith and credit of said City of Lockport, Niagara County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said City, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said City is not authorized to expend money, or
- 2) The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are,

or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the specific object or purpose described herein.

Section 9. In accordance with the provisions of the Legislation, this resolution shall take effect immediately.

Section 10. This resolution, or a summary hereof, shall be published in the official newspapers of said City for such purpose, together with a notice of the City Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Alderman Fogle	VOTING	Absent
Alderman Franco	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes
Alderman Schrader	VOTING	Yes

The resolution was thereupon declared duly adopted.

100114.9

ADJOURNMENT

At 6:16 P.M. Alderman Kibler moved the Common Council be adjourned until 5:00 P.M., Wednesday, October 8, 2014 for a special meeting.

Seconded by Alderman Lombardi and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk